United Nations A/C.3/60/SR.29

General Assembly
Sixtieth session

Official Records

Distr.: General
17 January 2006

Original: English

Third Committee

Summary record of the 29th meeting
Held at Headquarters, New York, on Friday, 28 October 2005 at 3 p.m.

Chairman: Mr. Butagira ..... (Uganda)
later: Mr. Anshor (Vice-Chairman) ..... (Indonesia)

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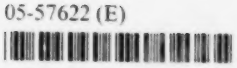

The meeting was called to order at 3.05 p.m.

Agenda item 71: Human rights questions (*continued*) (A/60/40, A/60/44, A/60/336, A/60/392 and A/60/408-S/2005/626)

(e) Report of the United Nations High Commissioner for Human Rights (*continued*) (A/60/36 and A/60/343)

Introductory statement and dialogue with the Representative of the Secretary-General on the human rights of internally displaced persons

1. **The Chairman** invited the Committee to continue the dialogue with the Representative of the Secretary-General on the human rights of internally displaced persons begun at the previous meeting.

2. **Mr. Krugevic** (Serbia and Montenegro), in response to the recommendations made by the Representative of the Secretary-General, said that steps were being taken towards local integration of internally displaced persons in Serbia and Montenegro. Under its poverty reduction strategy, affordable housing was being constructed and accommodation provided in State-owned facilities. The Government was also taking steps to integrate those persons into the economy through small business loans, self-employment projects and vocational training. However, local integration required financial resources that his country was not able to provide by itself, and he appealed for the Representative's assistance in mobilizing resources for that purpose from the donor community.

3. With regard to obstacles in access to health care, education and social security benefits, all internally displaced persons enjoyed all their rights as citizens of Serbia and Montenegro. Some practical difficulties had indeed arisen due to lack of documentation or issues related to domicile and lack of cooperation on the part of the United Nations Mission in Kosovo (UNMIK). The Roma population was particularly vulnerable to discrimination; therefore special measures had been designed to facilitate their access to personal documents, health care, employment and the educational system.

4. Regrettably, his delegation disagreed with the assessment that considerable progress had been made in the region concerning the return of internally displaced persons; since 1999 only about 12,000 people had returned to Kosovo and Metohija. Successful return was based on security and safety of returnees, return of property and establishment of a sustaining environment. Unfortunately, none of those conditions existed in that province, and an increasing number of returnees were selling their property and leaving again. He sought the views of the Representative, on the current policy under which assistance was provided only to those returning to their place of origin, and whether that policy could be changed to provide assistance to those who returned to other areas which might be safer than the ones they had fled.

5. **Ms. Sonaike** (Nigeria) said that ensuring the human rights of internally displaced persons was a priority of her Government. She welcomed the Representative's forthcoming visit to Nigeria.

6. **Mr. Dixon** (United Kingdom), speaking on behalf of the European Union, asked what were considered the major challenges for Governments in improving the protection of internally displaced persons. In the aftermath of the Asian tsunami and the subsequent natural disasters which had occurred during the year, he asked what Governments coping with such disasters should take into consideration in the protection of IDPs. Finally, based on his missions to countries emerging from conflict, it would be helpful to hear what the Representative believed to be the most appropriate means to ensure the sustainability of returns and to prevent future displacement in the longer term.

7. **Mr. Saeed** (the Sudan) said that his Government shared the concerns raised by the Representative after his most recent visit to the Sudan, in particular the return of IDPs to the south of the country after the ratification of the Comprehensive Peace Agreement. Although the return was proceeding in an organized manner, some security issues had arisen. The help of international agencies was needed to continue the voluntary return process, one of the fruits of peace for his country.

8. **Mr. Perez** (Switzerland) said that his delegation urged follow-up to the recommendations contained in the report, in particular for persons displaced by natural disasters and for a strengthened role of the Office of the High Commissioner for Refugees with regard to internally displaced persons. He asked for an

assessment of the proposed reforms and for suggestions on avoiding the application of a double standard towards persons displaced by conflict and by natural disasters.

9. **Mr. Kalin** (Representative of the Secretary-General on the human rights of internally displaced persons), responding to the questions posed, said that his overall assessment of the collaborative approach being taken by United Nations agencies to situations of internal displacement was positive. Some situations were entrenched, while others were newly emerging, and one agency alone could not address all the problems faced by IDPs. The former system had lacked predictability and the ability to respond quickly to emergency situations. It was also important to remember that the designated agency took responsibility for a particular aspect, such as camp management and protection overseen by UNHCR, but it was not required to carry out all operations in that area, and could delegate as appropriate. That model could not be applied to all situations, and should be phased in as more experience was gained. Although for the most part UNHCR took on the protection of persons displaced by conflict, it had mobilized in response to the recent earthquake in Pakistan.

10. Among major challenges to Governments, a significant political challenge often lay in the very fact of acknowledging the existence of a situation of internal displacement. The needs and problems specific to internally displaced persons must be identified as well. The Guiding Principles on Internal Displacement were considered useful, but in an abstract way, and it was often a challenge to make them operational. It was also important to ensure that internally displaced persons were consulted and participated in the decisions affecting them.

11. Natural disasters were very difficult situations to manage, but several of the Guiding Principles were relevant. The three main areas of concern from a human rights standpoint were potential discrimination in access to aid, consultation and participation, and protection of vulnerable groups — women, children and the elderly. Elements needed for sustainable return included security, settling of property questions, minimal infrastructure including basic educational and health services, and some prospects of a livelihood. Perhaps most important was an end of impunity and entrenched patterns of discrimination, which fostered the sense of safety required to encourage return.

Agenda item 71: Human rights questions

(a) Implementation of human rights instruments *(continued)* (A/C.3/60/L.24 and L.25)

Draft resolution A/C.3/60/L.24: Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law

12. **Mr. Labbe** (Chile), introducing draft resolution A/C.3/60/L.24, said that Argentina, Azerbaijan, Costa Rica, Cyprus, Denmark, Estonia, Greece, Honduras, Italy, Nigeria, Slovenia, Spain, Sweden, Switzerland, Timor-Leste and Uruguay had joined the sponsors. The Basic Principles and Guidelines contained in the draft resolution did not create legal obligations, but rather represented a guide and a tool for victims of human rights violations and for States.

13. **Mr. Khane** (Secretary) said that the United Kingdom was among the original sponsors of the draft resolution. Bolivia, Bosnia and Herzegovina, Bulgaria, Congo, Georgia, Lithuania, the Republic of Moldova, Romania and South Africa had also joined the sponsors.

Draft resolution A/C.3/60/L.25: Torture and other cruel, inhuman or degrading treatment or punishment

14. **Mr. Rehfeld** (Denmark) introduced draft resolution A/C.3/60/L.25 and said that Argentina, Brazil, Croatia, Cyprus, El Salvador, Estonia, Greece, Guatemala, Italy, Malta, Mexico, Nicaragua, Slovakia, Spain and The former Yugoslav Republic of Macedonia had joined the sponsors. He regretted that progress on the ground was not at the level of the commitments made by the international community, and noted with concern that new cases of torture were revealed on a regular basis. The draft resolution was intended to help victims to protect themselves and to obtain reparations.

15. **Mr. Khane** (Secretary) said that Andorra, Bosnia and Herzegovina, Bulgaria, the Dominican Republic, Georgia, Honduras, Kyrgyzstan, Luxembourg, the Republic of Moldova, Namibia, Serbia and Montenegro, Timor-Leste, Turkey, Ukraine and Uruguay had also joined the sponsors.

Agenda item 64: Advancement of women *(continued)*
(A/C.3/60/L.14/Rev.1, A/C.3/60/L.17 and A/C.3/60/L.20)

Draft resolution A/C.3/60/L.14/Rev.1: Improvement of the situation of women in rural areas

16. **The Chairman** said that the draft resolution had no programme budget implications.

17. **Ms. Enkhtsetseg** (Mongolia), introducing the draft resolution, said that Cambodia, Djibouti, Honduras, Guinea, Guinea-Bissau, Guyana, Jamaica, Kazakhstan and Uzbekistan had joined its sponsors. She drew attention to the revisions which had been made to the text after consultations.

18. **Mr. Khane** (Secretary) said that Angola, Botswana, Burundi, Cape Verde, El Salvador, Gambia, Georgia, Jordan, Nepal, Rwanda, Saint Vincent and the Grenadines, South Africa, Sri Lanka, Uganda, Uruguay and Zambia had also joined the sponsors of the draft resolution.

19. *Draft resolution A/C.3/60/L.14/Rev.1 was adopted.*

20. **Ms. Fountain** (United States of America), speaking in explanation of position, said that her delegation remained committed to the objectives of the Beijing Declaration and Programme of Action, based on the understanding that it did not create international legal rights or binding obligations on States under international law. The United States understood that it did not create any new international rights, including a right to abortion, which her Government did not recognize as a method of family planning. It also understood that the terms "reproductive health services" and "reproductive rights" did not include abortion. The use of the phrase "reproductive health" in paragraph 2 (e) did not therefore create any rights and could not be interpreted to constitute support, endorsement or promotion of abortion.

21. **Ms. García Matos** (Bolivarian Republic of Venezuela) said that her delegation had joined the consensus on the draft resolution, and reaffirmed its commitment to the strengthening of a gender perspective in its national policies and to the empowerment of women and their increased participation in the economic and financial spheres. It had not joined the sponsors, however, because of the references in the third preambular paragraph and in paragraph 6 to the 2005 World Summit Outcome. It had reservations regarding the content of that document.

Draft resolution A/C.3/60/L.17: Convention on the Elimination of All Forms of Discrimination against Women

22. **The Chairman** drew attention to the statement of programme budget implications of the draft resolution as contained in document A/C.3/60/L.20.

23. **Mr. Khane** (Secretary) said that Antigua and Barbuda, Argentina, Bangladesh, Belize, Bolivia, Bosnia and Herzegovina, Burkina Faso, Cape Verde, Costa Rica, Côte d'Ivoire, Dominican Republic, Ecuador, Estonia, Indonesia, Israel, Kenya, Madagascar, Malawi, Mali, Morocco, Namibia, Paraguay, Republic of Korea, San Marino, The former Yugoslav Republic of Macedonia, Peru, Timor-Leste, Togo, Turkey, Switzerland, Venezuela and Zimbabwe had joined the sponsors.

24. When the draft resolution had been introduced, the representative of Norway had orally revised the text: at the beginning of the eighth preambular paragraph, "*Recalling*" had been replaced by "*Welcoming*"; in paragraph 15, the first line, the words "on an exceptional and" had been inserted after "the Committee to meet".

25. **Ms. Merchant** (Norway) said that Albania, China, Jamaica, Guinea, Kyrgyzstan, Lithuania, Monaco, Mongolia, South Africa, Suriname, Viet Nam and Zambia had joined the sponsors of the draft resolution. She stressed the importance of providing the Committee on the Elimination of Discrimination against Women (CEDAW) with the tools to cope with its increasing workload.

26. **Mr. Khane** (Secretary) said that Angola, Armenia, Belarus, Burundi, Cambodia, Eritrea, Guyana, Honduras, Jordan, Mauritius, the Federated States of Micronesia, Nicaragua, the Republic of Moldova, Rwanda, Saint Vincent and the Grenadines, Senegal, Sri Lanka, Tunisia, Ukraine, the United Republic of Tanzania and Uruguay had also joined the sponsors.

27. **Ms. Fountain** (United States of America) requested recorded votes on paragraph 14, paragraph 15 and on the draft resolution as a whole. The activities mentioned in those two paragraphs were not covered

by the approved budget of the Committee on the Elimination of Discrimination against Women and had not been compensated for by the elimination of activities with lower priority. The United States, which contributed nearly 22 per cent of the funding for a body established for the implementation of a convention to which it was not a party, could not accept an increase in expenditure arising from those activities.

28. **Ms. Merchant** (Norway) urged delegations to support the retention of the paragraphs concerned and to vote in favour of the draft resolution as a whole.

29. **Mr. Begg** (New Zealand), speaking in explanation of vote before the vote, said that the increase in the number of States parties to the Convention, in addition to the procedure for submission of communications provided for under the Optional Protocol had increased the workload of the CEDAW Committee, and therefore, the resources available to it must be increased as well. He urged other delegations to join him in voting to retain paragraphs 14 and 15.

30. *A recorded vote was taken on paragraph 14 of the draft resolution.*

In favour:

Albania, Algeria, Andorra, Angola, Antigua and Barbuda, Argentina, Armenia, Australia, Austria, Azerbaijan, Bahamas, Bahrain, Bangladesh, Barbados, Belarus, Belgium, Belize, Bhutan, Bolivia, Bosnia and Herzegovina, Botswana, Brazil, Bulgaria, Burkina Faso, Burundi, Cambodia, Cameroon, Canada, Cape Verde, Chile, China, Colombia, Congo, Costa Rica, Côte d'Ivoire, Croatia, Cuba, Cyprus, Czech Republic, Democratic People's Republic of Korea, Denmark, Djibouti, Dominican Republic, Ecuador, Egypt, Eritrea, Estonia, Ethiopia, Finland, France, Georgia, Germany, Greece, Grenada, Guatemala, Guinea, Guinea-Bissau, Guyana, Haiti, Honduras, Hungary, Iceland, India, Indonesia, Iraq, Ireland, Israel, Italy, Jamaica, Jordan, Kenya, Kyrgyzstan, Latvia, Lebanon, Libyan Arab Jamahiriya, Liechtenstein, Lithuania, Luxembourg, Madagascar, Malawi, Maldives, Mali, Malta, Mauritius, Mexico, Micronesia (Federated States of), Monaco, Mongolia, Morocco, Mozambique, Namibia, Nepal, Netherlands, New Zealand, Nicaragua, Niger, Nigeria, Norway, Oman, Pakistan, Panama, Paraguay, Peru, Philippines, Poland, Portugal, Qatar, Republic of Korea, Republic of Moldova, Romania, Russian Federation, Rwanda, Saint Lucia, Saint Vincent and the Grenadines, San Marino, Saudi Arabia, Senegal, Serbia and Montenegro, Sierra Leone, Slovakia, Slovenia, South Africa, Spain, Sri Lanka, Sudan, Suriname, Sweden, Switzerland, Syrian Arab Republic, Thailand, the former Yugoslav Republic of Macedonia, Timor-Leste, Togo, Trinidad and Tobago, Tunisia, Turkey, Turkmenistan, Uganda, Ukraine, United Kingdom of Great Britain and Northern Ireland, United Republic of Tanzania, Uruguay, Venezuela (Bolivarian Republic of), Viet Nam, Yemen, Zambia, Zimbabwe.

Against:

Kuwait, United States of America.

Abstaining:

Brunei Darussalam, Japan, Malaysia, Myanmar, Singapore, United Arab Emirates.

31. *Paragraph 14 of draft resolution A/C.3/60/L.17 was adopted by 147 votes to 2, with 6 abstentions.*

32. **Mr. Kitaoka** (Japan), speaking in explanation of position, said that his country supported the work of the CEDAW Committee and implemented the provisions of the Convention. It shared the concern expressed by other delegations regarding the delay in consideration of reports submitted. However, Member States could not agree to a new increase in the regular budget.

33. **Ms. Fountain** (United States of America), turning to paragraph 15 of the draft resolution, said that the activities mentioned were not covered in the approved budget. Her country provided 22 per cent of the budgetary resources for the implementation of the Convention, to which it was not a party, and could not accept the budget increase that those activities would entail.

34. **Mr. Hayee** (Pakistan), speaking in explanation of vote before the vote, said that Pakistan supported the resolution as a whole, but could not accept the activities proposed in paragraph 15. Not only would it establish a precedent that could authorize the amendment of the basic provisions of other conventions, but it would divide the Committee into an unspecified number of parallel working groups, which

would run counter to its mandate. The reports deserved consideration by the Committee as a whole, and therefore, other methods to clear the backlog in consideration of reports must be found.

35. **Mr. Al-Enezi** (Kuwait) said that such changes should be examined by the States parties to the Convention rather than the General Assembly. Moreover, the Committee was not the only treaty body with a backlog in consideration of reports. Finally, it might be premature to discuss programme budget implications when the Fifth Committee, because of the planned reforms, was considering whether to delay adoption of the next budget. For all those reasons, Kuwait would vote against retaining paragraph 15.

36. **Mr. Amoros Nunez** (Cuba), referring to the principle of equitable geographical distribution, said that he was concerned that the reports submitted would not be considered by all the members of the Committee. In his view, that issue should first be discussed by the States parties. Nevertheless, Cuba continued to support the work of the Committee and the draft resolution as a whole and would be prepared to join the sponsors of a revised text.

37. **Mr. Malhotra** (India) said that, given the backlog in consideration of reports, India accepted the division into parallel working groups in principle, on the condition that it was a temporary and exceptional measure which would not set a precedent.

38. *A recorded vote was taken on the inclusion of paragraph 15 of the draft resolution.*

In favour:

Albania, Algeria, Andorra, Angola, Antigua and Barbuda, Argentina, Armenia, Australia, Austria, Azerbaijan, Bahamas, Bangladesh, Barbados, Belarus, Belgium, Belize, Bhutan, Bolivia, Bosnia and Herzegovina, Botswana, Brazil, Bulgaria, Burkina Faso, Burundi, Cambodia, Cameroon, Canada, Cape Verde, Chile, Colombia, Congo, Costa Rica, Côte d'Ivoire, Croatia, Cyprus, Czech Republic, Denmark, Djibouti, Dominican Republic, Ecuador, Eritrea, Estonia, Ethiopia, Finland, France, Georgia, Germany, Greece, Grenada, Guatemala, Guinea, Guinea-Bissau, Guyana, Honduras, Hungary, Iceland, India, Indonesia, Ireland, Israel, Italy, Jamaica, Jordan, Kenya, Kyrgyzstan, Latvia, Lebanon, Liechtenstein, Lithuania, Luxembourg, Madagascar, Malawi, Maldives, Mali, Malta, Mauritius, Mexico, Micronesia (Federated States of), Monaco, Mongolia, Morocco, Mozambique, Namibia, Netherlands, New Zealand, Nicaragua, Niger, Nigeria, Norway, Panama, Paraguay, Peru, Philippines, Poland, Portugal, Republic of Korea, Republic of Moldova, Romania, Russian Federation, Rwanda, Saint Lucia, Saint Vincent and the Grenadines, San Marino, Senegal, Serbia and Montenegro, Sierra Leone, Slovakia, Slovenia, South Africa, Spain, Sri Lanka, Suriname, Sweden, Switzerland, Thailand, the former Yugoslav Republic of Macedonia, Timor-Leste, Togo, Trinidad and Tobago, Tunisia, Turkey, Uganda, Ukraine, United Kingdom of Great Britain and Northern Ireland, United Republic of Tanzania, Uruguay, Venezuela (Bolivarian Republic of), Zambia.

Against:

Bahrain, Cuba, Egypt, Iraq, Kuwait, Libyan Arab Jamahiriya, Oman, Pakistan, Saudi Arabia, Sudan, United Arab Emirates, United States of America, Yemen.

Abstaining:

Brunei Darussalam, China, Japan, Malaysia, Myanmar, Qatar, Singapore.

39. *Paragraph 15 of draft resolution A/C.3/60/SR.17 was adopted by 128 votes to 13, with 7 abstentions.*

40. **Mr. Gzilal** (Libyan Arab Jamahiriya), speaking in explanation of position, said that his delegation was also concerned that division into parallel working groups would affect equitable geographical distribution, which could establish a precedent for the other human rights treaty bodies.

41. **Mr. Kitaoka** (Japan) said that his delegation had abstained from the vote for the reasons it had already expressed with regard to paragraph 14.

42. **Ms. Abdelhak** (Algeria), speaking in explanation of position, said that her delegation had voted in favour of retaining paragraph 15 because it was a temporary and exceptional measure that would not set a precedent.

43. **Ms. Khalil** (Egypt) said that her delegation had voted against retention of paragraph 15 because it believed that maintaining equitable geographical distribution within the parallel working groups would be impossible. She noted, in that regard, that at the most recent elections in August 2004, no African

expert had been elected to the Committee, and therefore those cultures and expertise were not represented in a balanced way. In the view of her delegation, that issue should not be debated in the General Assembly, and other methods could be found to reduce the backlog in consideration of reports, for instance by establishing a working group for preliminary consideration or reducing the length of the reports submitted and the number of questions posed.

44. **Mr. Xie** Bohua (China) said that, as his delegation believed that it was unwise to divide the Committee into groups because of the legal and procedural problems such action would entail, and that there were other ways to reduce the delay, it had abstained from the vote on paragraph 15.

45. **Ms. Otiti** (Uganda) said that her delegation had voted to retain paragraph 15 on the understanding that it did not establish a precedent, and, although there was no representative from Africa on the Committee, it would vote in favour of the draft resolution as a whole.

46. **Ms. Oubida** (Burkina Faso) said that her delegation had voted in favour of retaining paragraphs 14 and 15, but pointed out that Burkina Faso was not a sponsor of the draft resolution and requested that it should be removed from the list of sponsors.

47. **Ms. Garcia-Matos** (Bolivarian Republic of Venezuela) said that her country had supported the division into parallel working groups in principle, on the condition that it was a temporary measure and that equitable geographical distribution was respected.

48. **Ms. Fountain** (United States of America) said that her Government had not ratified the Convention on the Elimination of All Forms of Discrimination against Women and therefore it was not bound by paragraphs 2 and 3 of the draft resolution.

49. *A recorded vote was taken on draft resolution A/C.3/60/L.17 as a whole.*

In favour:

Afghanistan, Albania, Algeria, Andorra, Angola, Antigua and Barbuda, Argentina, Armenia, Australia, Austria, Azerbaijan, Bahamas, Bahrain, Bangladesh, Barbados, Belarus, Belgium, Belize, Bhutan, Bolivia, Bosnia and Herzegovina, Botswana, Brazil, Brunei Darussalam, Bulgaria, Burkina Faso, Burundi, Cambodia, Cameroon, Canada, Cape Verde, Chile, China, Colombia, Congo, Costa Rica, Côte d'Ivoire, Croatia, Cuba, Cyprus, Czech Republic, Democratic People's Republic of Korea, Denmark, Djibouti, Dominican Republic, Ecuador, Egypt, El Salvador, Eritrea, Estonia, Ethiopia, Finland, France, Gambia, Georgia, Germany, Greece, Grenada, Guatemala, Guinea, Guinea-Bissau, Guyana, Haiti, Honduras, Hungary, Iceland, India, Indonesia, Iraq, Ireland, Israel, Italy, Jamaica, Japan, Jordan, Kazakhstan, Kenya, Kuwait, Kyrgyzstan, Lao People's Democratic Republic, Latvia, Lebanon, Libyan Arab Jamahiriya, Liechtenstein, Lithuania, Luxembourg, Madagascar, Malawi, Malaysia, Maldives, Mali, Malta, Mauritius, Mexico, Micronesia (Federated States of), Monaco, Mongolia, Morocco, Mozambique, Myanmar, Namibia, Nepal, Netherlands, New Zealand, Nicaragua, Niger, Nigeria, Norway, Oman, Pakistan, Panama, Paraguay, Peru, Philippines, Poland, Portugal, Qatar, Republic of Korea, Republic of Moldova, Romania, Russian Federation, Rwanda, Saint Lucia, Saint Vincent and the Grenadines, San Marino, Saudi Arabia, Senegal, Serbia and Montenegro, Sierra Leone, Singapore, Slovakia, Slovenia, South Africa, Spain, Sri Lanka, Sudan, Suriname, Sweden, Switzerland, Syrian Arab Republic, Thailand, the former Yugoslav Republic of Macedonia, Timor-Leste, Togo, Trinidad and Tobago, Tunisia, Turkey, Turkmenistan, Uganda, Ukraine, United Arab Emirates, United Kingdom of Great Britain and Northern Ireland, United Republic of Tanzania, Uruguay, Uzbekistan, Venezuela (Bolivarian Republic of), Viet Nam, Yemen, Zambia, Zimbabwe.

Against:

United States of America.

Abstaining:

None.

50. *Draft resolution A/C.3/60/L.17 as a whole was adopted by 160 votes to 1.*

Agenda item 71: Human rights questions (*continued*)

(c) Human rights situations and reports of special rapporteurs and representatives (*continued*) (A/60/221, A/60/271, A/60/306, A/60/324, A/60/349, A/60/354, A/60/356, A/60/359, A/60/367, A/60/370, A/60/395, A/60/422, and A/C.3/60/2)

Introductory statement and dialogue with the Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health

51. **Mr. Hunt** (Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health) said that the right to health could be understood as a right to an effective and integrated health system, encompassing both health care and the underlying determinants of health, such as adequate sanitation and safe drinking water. It must be accessible to all and must be responsive to both national and local priorities.

52. One of the most striking features of the Millennium Development Goals was the prominence they gave to health. The first Goal, halving extreme poverty, could not conceivably be accomplished if health goals were not achieved. In short, the Goals could not be achieved without effective health systems that were accessible to all. Both the Millennium Declaration and the 2005 Summit Outcome made it clear that both developing and developed countries had a crucial role to play in establishing effective, inclusive health systems in developing countries. In the light of the commitments made at the September summit, he urged Ministers of Health in low and middle-income countries to prepare bold programmes to achieve their health goals. Over the past two decades, many health systems had suffered from chronic under-investment and thus had been undermined and weakened.

53. The "skills drain" caused by the migration of health professionals from developing to developed countries had a serious impact on the enjoyment of the right to health in their countries of origin. It imposed substantial economic and social costs on developing countries of origin, while providing a significant savings in training costs to developed countries, effectively resulting in a subsidy by developing countries to the health-care systems of developed countries. Among possible policy responses, developed countries had an obligation to respect the right to health in developing countries by ensuring that their human resources policies did not jeopardise the right to health of those countries. The policy response of compensation should be given serious consideration. Health systems in countries of origin must be strengthened, and destination countries should strengthen their own health-care resource base. The skills drain deepened the shocking inequality in levels of health care and protection among countries, which must also be addressed on a policy level. It was time to grasp that an effective health system was a core social institution, no less than a court system or a political system.

54. *Mr. Anshor (Indonesia), Vice-Chairman, took the Chair.*

55. **Mr. Begg** (New Zealand) asked the Special Rapporteur to comment on the alarming statistics in his report reflecting that more health professionals were being lost than trained in developing countries. He would also like to know whether the obligation of developed countries not to recruit such professionals unfairly could be seen as a human rights obligation or a development obligation.

56. **Mr. Dixon** (United Kingdom), speaking on behalf of the European Union, said that he would like to hear more details about the possibilities for further cooperation with the World Health Organization (WHO). He asked for examples of best practices in the integration of human rights into the training of health-care professionals. It had also been recognized that health-care professionals had the right to freedom of movement, and he wondered how an effective balance could be found between protecting the rights of individuals and avoiding the skills drain.

57. **Mr. La** Yifan (China) said that many countries in Europe and North America were stockpiling the drugs to treat avian flu, while it was the Southeast Asian countries which were on the front lines of the potential pandemic and had the greatest need for antivirals. He sought advice on how such antivirals could best be distributed and put to use.

58. **Mr. Meyer** (Brazil) said that he would like to know more about the role of pharmaceutical companies in guaranteeing the right to health and whether there had been any follow-up to the contacts with those companies mentioned in the report. He would also like to hear more about the meaning of the phrase "global

health and equality", as mentioned in paragraph 22 of the report. It would also be helpful if the Special Rapporteur could elaborate on the link between the health-related Goals and health systems, and on the recommendation that developed countries should establish offices to monitor their international collaboration in health.

59. **Ms. Kohl** (Switzerland) requested further comment on the effect of the skills drain on developing countries.

60. **Mr. Hunt** (Special Rapporteur on the right to health) said that he saw the obligation of developed countries not to create obstacles to the realization of the right to health of developing countries as arising from Articles 55 and 56 of the Charter, which dealt with mutual support and shared responsibility, and article 28 of the Universal Declaration on Human Rights on a just international economic order. Indeed, many other human rights treaties and the international conferences of the past 15 years also relied on those concepts.

61. In reply to the representative of the United Kingdom, he said that he had made contact with the secretariat of the WHO Commission on Social Determinants of Health, and had encouraged them to integrate human rights into their work. As for the inclusion of human rights education in the training of health professionals, most such training included a module on ethics, which provided an opening for the introduction of human rights concepts. There were both "push" and "pull" factors involved in the skills drain: in order to overcome such key "push" factors as inadequate terms and conditions for health professionals in their countries of origin and weak health systems, it was crucial to strengthen their health-care systems. To counteract the main "pull" factor — too few domestically trained health professionals in developed countries — those countries must increase their own training programmes. With regard to the equitable distribution of avian flu drugs, a human rights approach demanded that vulnerable groups should be taken into account, and the best practices developed in the global effort to combat HIV/AIDS could provide many helpful lessons.

62. With regard to contacts with pharmaceutical companies, in conjunction with the Ethical Globalization Initiative headed by the former High Commissioner for Human Rights, Mary Robinson, he had held frank discussions with several major pharmaceutical companies regarding responsibility and the sometimes unreasonable expectations placed on them. He had proposed the formation of an expert group on pharmaceutical companies and human rights that would meet to discuss those issues and endeavour to produce a report. Just two companies had agreed, but those discussions were continuing.

63. He saw the proposed monitoring offices in developed countries as similar to an ombudsman's office. They would be small structures that would be responsible for looking at the issues surrounding implementation of Goal 8 and reporting to national parliaments.

Introductory statement and dialogue with the Independent Expert of the Commission on Human Rights on the effects of economic reform policies and foreign debt on the full enjoyment of all human rights

64. **Mr. Mudho** (Independent Expert of the Commission on Human Rights on the effects of economic reform policies and foreign debt on the full enjoyment of all human rights) said that the Commission on Human Rights had given him two main tasks: to pay particular attention to the effects of the debt burden and policies adopted to face it on the capacity of developing countries to establish policies for the enjoyment of economic, social and cultural rights, and to recommend measures that could alleviate such effects. In addition to examining the negative impact of foreign debt, he had also examined those countries which were considered success stories.

65. The Monterrey Consensus represented a landmark in efforts by the international community to adopt a holistic view of the challenges faced by developing countries in terms of foreign debt and structural reforms. The Consensus built on the Millennium Declaration, which had expressed determination to deal comprehensively with the debt problems of low and middle-income developing countries.

66. In considering the challenges of debt and structural reform from a human rights perspective, all stakeholders must consider how developing countries could formulate and implement national development policies that aimed to improve all human rights, including economic, social and cultural rights, for their citizens. Under international human rights treaties,

Governments had assumed binding obligations, and human rights norms offered an important and objective framework to address those challenges. Human rights principles like equality, non-discrimination and participation must be integrated into all stages of such national processes as the formulation of the poverty reduction strategy paper (PRSP) and the budget.

67. Critical financial resources had been steadily draining from developing countries because of the heavy burden of debt service. He therefore welcomed the proposal of the Group of Eight to provide full debt relief for countries completing the Heavily Indebted Poor Countries (HIPC) initiative. He also advocated alternative approaches to estimating the debt sustainability of developing countries, as experience had shown that there was no single answer to that question. The human rights framework should also provide important guiding principles to increase systemic coherence both within and among debtor and creditor countries.

68. The Commission had also entrusted him with the task of preparing draft general guidelines to be followed by States and by private and public, national and international financial institutions in the decision-making and execution of debt repayments and compliance with the commitments derived from foreign debt that would not undermine the obligations for the realization of fundamental economic, social and cultural rights, as provided for in international human rights instruments. He had sought views from Member States and from international and regional financial institutions, with regrettably few responses. Broader support and input from Member States, both debtor and creditor countries, were crucial for a meaningful process.

69. **Mr. Amoros Nuñez** (Cuba) said that more information on measures to be taken in the international financial environment would be useful. He asked how the international financial institutions were implementing the recommendations regarding their relationship to the developing countries and the renewed emphasis on economic, social and cultural rights.

70. **Mr. Koubaa** (Tunisia) would like to know what other means to generate responses from Member States and institutions were planned to gather inputs for preparation of the guidelines.

71. **Mr. Mudho** (Independent Expert of the Commission on Human Rights on the effects of economic reform policies and foreign debt on the full enjoyment of all human rights), describing actions taken by the Bretton Woods institutions to minimize the impact of external debt on developing countries, said that the World Bank had changed its structural adjustment policy so that the countries themselves, through their poverty reduction strategy papers, designed the programmes and conditions for assistance. One of his recommendations had been to think of different approaches to debt sustainability. Previously, criteria had been dictated by the credit institution, focusing on microeconomic stability at the expense of economic and social aspects. Under the new approach, the debtor countries themselves undertook the analysis, taking into account the economic and social concerns of their people. Among alternative methods of gathering information, he had been able to visit a number of countries and had met with officials to learn how to address their concerns.

The meeting rose at 6.05 p.m.